IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

Crl.Rev.Pet.No. 554 of 2004()

CRA.212/2002 of SESSIONS COURT, MANJERI
CC.755/1998 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER/ APPELLANTS/ACCUSED:

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1. PUTHENKULANGARA BASHEER,
   S/O. ABDULLA, KODALIPOYIL, CHANDAKUNNU,
   EDAKKARA VILLAGE, NILAMBUR TALUK,
   MALAPPURAM DISTRICT.

2. MUNDAMBRA ABU, S/O. UMMER,
   RESIDING DO.

3. THANKAYATH ABDU S/O. MOHAMMED, DO.

BY ADV. SRI.K.SHIBILI NAHA

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE:

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1. THE DEPUTY RANGER,
   POTHUKAL FOREST STATION, KUNIPPALA,
   EDAKKARA VILLAGE, MALAPPURAM DISTRICT.

2. STATE OF KERALA, REP.BY PUBLIC
   PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.Rev.Pet.No. 554 of 2004

ORDER ON Crl.M.A.No.2146 OF 2004 IN Crl.R.P.No.554 OF 2004

DISMISSED

09/03/2007 Sd/- K.R.UDAYABHANU,JUDGE

TRUE COPY

P.A.TO JUDGE

K.R.UDAYABHANU,J

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Crl.R.P.NO.554 OF 2004

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Dated this the 9th day of March,2007

ORDER

The revision petitioners are the accused with respect of the offences under Sections 27(1) (e) (IV) and 27(1) (e) (III) of the Kerala Forest Act (amended by Act 2) of 1993. The appellate court had found that the prosecution could not prove the charge beyond reasonable doubt and it is also observed that the sentence imposed on the appellants are liable to be set aside. But in the penaltimate sentence it happened to be mentioned that the appeal failed and is dismissed. Hence, warrants are pending against the revision petitioner and execution proceedings have been initiated.

2. I find that the error could have been rectified before the appellate court itself. In the circumstances, the conviction and sentence imposed by the trial court shall stand set aside and the accused is acquitted.

The Crl.R.P is allowed accordingly.

K.R.UDAYABHANU,JUDGE

dvs